

### III. REMARKS

Formal drawings are enclosed.

The Examiner has conceded that Dimitriadis lacks explicit recitation of the elements and limitations of claim 1. However, the Examiner concluded that it would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis would have been selected in accordance with the element and limitation of claim 1.

It is respectfully submitted that the mere passing reference in Dimitriadis is an insufficient disclosure to render the present invention obvious since this type of reference is not enabling, see Elan Pharmaceuticals v. Mayo Foundation, 68 USPQ2d 1373, 1376.

Dimitriadis describes on column 2, lines 16-20: "Because the advertising information is broadcast only one time and presented multiple times, the advertiser incurs less expense for each advertisement presentation." In the introductory portion of the Abstract, it is described that advertising information is preloaded into a collection of remote receiving and presentation devices, and that a presentation command delivered to the device then causes presentation of the stored advertisement.

Thus, the advertising system of Dimitriadis is configured so that the receiving devices store the advertising information (by a single preloading process) and the stored advertising information is repetitively presented to the user.

In addition, it is described on Column 9, lines 47-50, that advertising presentation may be accomplished relative to listeners defined as groups.

Turning to the present invention, the advertisement information providing apparatus comprises a database in which pieces of advertisement information are stored. A shop is specified according to the position of a mobile vehicle and merchandised product genre information, and advertisement information corresponding to the specified shop is sent to the mobile vehicle (through steps S98, S13 and S14 described in pages 13 and 14 and shown in Fig. 8).

While it is submitted that original claims 1 and 9 define over Dimitriadis, in order to clarify the difference between the present invention and the last paragraph of claim 1 is amended as follows:

--an advertisement information sending part which reads out said advertisement information corresponding to said shop retrieved by said second searching part using said database and sends said advertisement information to said one of said mobile vehicles.--

There are clear differences between the present invention defined in claim 1 (slightly amended as described above) or claim 9 and Dimitriadis as mentioned above.

Since these differences are not suggested by the references, the rejection of claims 1-10 under 35 U.S.C. §103 on Dimitriadis should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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